

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMERE MONTGOMERY,

*Plaintiff,*

v.

LABORERS DISTRICT COUNCIL OF  
PHILADELPHIA AND VICINITY, *et al.*,

*Defendants.*

CIVIL ACTION  
NO. 15-02815

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**ORDER**

**AND NOW**, this 27th day of July, 2015, upon consideration of Defendants' motion to dismiss (ECF No. 7), Plaintiff's opposition thereto (ECF No. 8), Defendants' reply (ECF No. 9), and Plaintiff's surreply (ECF No. 11), it is hereby **ORDERED** that the motion is **DENIED IN PART** and **GRANTED IN PART**. It is **FURTHER ORDERED** that:

1. Defendants' motion to dismiss the complaint against the Laborers' District Council of Philadelphia and Vicinity, Laborers Local 332, Samuel Staten, Jr., and Cory Robinson pursuant to Rule 12(b)(6) is **DENIED**;
2. Defendants' motion to dismiss the complaint against Ryan N. Boyer pursuant to Rule 12(b)(6) is **GRANTED**; and
3. Plaintiff's claims against all Defendants pursuant to Sections 101(a)(5) and 609 of the Labor Management Reporting and Disclosure Act, 29 U.S.C. §§ 411(a)(5), 529, are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.